

IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM

PRESENT: Thiru.K. Yuvaraj, B.A.,B.L.,

Subordinate Judge, Palladam

Friday of 13th December, 2024

IA No.01/2023

in

OS No.87/2021

Sri Ambal Mills Ltd.
Rep by its Director, C.D.Menon.

... Petitioner / Defendant No.1

/Vs/

N.Palanisamy Authorised by
Sathenthai Kootam and 13 Kula
Makkal Deivam Arul Migu Karia
Kali Amman Temple.

... Respondent / Plaintiff

This petition is coming on 11.12.2024 for final hearing before me in the presence of Thiru.Somasundaram, Advocate for the Petitioner / Defendant No.1 and Thiru.T.Sathish, Advocate for the Respondent. Upon hearing both side arguments and on perusal of all connected material records and having stood over till this day for consideration, this court delivered the following:

ORDER

This application was filed by the Petitioner / 1st Defendant to stay the suit till the disposal of suit in OS No.34/2019 on the file of this court under Sec 10 of CPC.

1. The averments in the Affidavit an Petition In Brief:

1. This Petitioner is the 1st defendant in the main suit in OS No.87/2021. The Respondent / Plaintiff had instituted this suit in OS No.87/2021 for the relief of the declaration of Title and to declare the order passed by the Settlement Tahsildar Gobichettipalayam in SR No.489/67/M.I.Act/ Palladam Taluk Dated 30.06.1968 as Null and void and to declare the mutated Revenue Records as Null and void along with costs for the suit.

2. The fit person, Executive officer of the Plaintiff Temple has also filed a suit earlier before this court in OS No.34/2019 for the same relief and the same is still pending before this court. The subject matter and the parties are the same. Further the cause of action which is directly and Substantially same in the previous instituted suit by the fit personal in OS No.34/2019. Hence trial of this case would create multiplicity of proceedings. Hence this application to stay this suit till the disposal of suit in OS No.34/2019.

2. The Averments in Counter in Brief:

The counter is repeated facts of the plaint in OS No.87/2021. The settlement Tahsildar Gobichettipalayam in his proceeding in SR No.489/67/M.I.Act/ Palladam Taluk Dated 30.06.1968 was arbitrary and biased. Hence this suit was filed as against the 1st defendant and 1st defendant has no right or Title over the suit property. Hence prayed for dismissal of this application.

3. Now the point for Consideration is whether this petition is allowed?

1. Heard both sides. Perused entire records along with the written arguments filed on the support of both the sides. On careful perusal of main plaint in OS No.87/2021 this case was filed Arul Migu Kariakaliamman

Temple the representative namely Palanisamy for the relief of declaration of Title over the suit property, declaration of proceeding passed by settlement Tahsildar Gobichettipalayam in SR No.489/67/M.I.Act/ Palladam Taluk Dated 30.06.1968 as Null and void along with declaration of Mutated Revenue records as Null and void in the name of 2nd defendant.

2. On careful perusal of Plaint in OS No. 34/2019 there the suit was filed by the very same Kariakaliamman Temple represented by Fit person Executive officer as against this Petitioner / Defendant for the relief of Declaration of Title. Hence on careful perusal of both the plaints admittedly the plaintiff Temple and the defendant and the relief are the same and cause of action also the same. Hence Trial of two separate cases would create chaos. Further on careful perusal of docket orders in OS No.34/2019 the case was pending for DW1 Cross Examination as a last change. But whereas in OS No.87/2021 till today the issues was not framed, since this application was pending before this court. Hence there is no possibility for joint trial. Further in OS No. 34/2019 already evidences are about to wrapped up. Hence taking note of this fact this application is allowed by stay the trial in OS No.87/2021 till the disposal of suit in OS No.34/2019.

In the result, with this observation this application is allowed.

Dictated to the stenographer, transcribed and typed out by her, corrected and pronounced by me in open court this 13th December 2024.

Subordinate Judge,
Palladam